

Our File No. TAR-251-CM

ATTORNEY ID - 050371991

FISHMAN MCINTYRE BERKELEY LEVINE SAMANSKY, P.C.

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Attorneys for Defendant, Target Corporation i/p/a Target Store and Target Store

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IRMA QUIRUMBAY

Plaintiff,

-vs-

CIVIL ACTION NO.

TARGET STORE, TARGET
CORPORATION, JOHN DOE 1-10,
fictitiously named ABC CO. 1-10 fictitiously
named and XYZ CORPORATIONS 1-10
fictitiously named construction, maintenance,
repair, and/or property management corps.

Defendant

PETITION FOR REMOVAL

Petitioner, Target Corporation improperly plead as Target Store and Target Store, by its attorneys, Fishman McIntyre Berkeley Levine Samansky, P.C., respectfully petitions the United States District Court for the District of New Jersey as follows:

1. Target Corporation first received a copy of the Complaint on or about January 27, 2021 through their registered agent.
2. This case was commenced on January 25, 2021 in the Superior Court of New Jersey, Law Division, Hudson County Suit is identified in the Superior Court as Quirumbay, Irma v. Target Store, Target Corporation, Docket No. L-327-21. (See Exhibit A)

3. The filing of this Petition for Removal is timely because it is filed within thirty days of the date Target Corporation first received notice of the lawsuit.

4. The plaintiff's Complaint in the Superior Court of New Jersey, Law Division, Hudson County, asserts damages of a non-specified amount. Plaintiff, Irma Quirumbay, alleges the defendants negligently and carelessly allowed a dangerous and hazardous condition to exist or failed to warn of same causing plaintiff to sustain injuries. As such, Target Corporation, believes the amount in controversy exceeds \$75,000, exclusive of interest and costs.


5. Target Corporation is informed and believes that Plaintiff, Irma Quirumbay, is an individual citizen of the State of New Jersey. Defendant/petitioner, Target Corporation is incorporated in the State of Minnesota and its principal place of business is in the State of Minnesota. The action is therefore between citizens and a corporation of other states.

6. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, Petitioner, Target Corporation, defendants in the action described herein, which is currently pending in the Superior Court of the State of New Jersey, Law Division, Hudson County, Docket No. L-327-21, prays that this action be removed therefrom to this Court.

DATED: February 22, 2021

Target Corporation i/p/a Target Stores and Target Stores

BY: 
Christopher E. McIntyre, Esq.

I certify that a true copy of the Complaint filed in the Superior Court of the State of New Jersey, County of Hudson, along with a copy of the Summons issued to this defendant, is annexed hereto as Exhibit A.

BY: 
Christopher E. McIntyre, Esq.

EXHIBIT A

LAW OFFICE OF BRANDON J. BRODERICK

65 East Route 4
 River Edge, NJ 07661
 (201) 853-1505

Attorney for Plaintiff

IRMA QUIRUMBAY,

Plaintiff(s)

Vs.

TARGET STORE, TARGET
 CORPORATION, ET ALS.

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION: HUDSON COUNTY

DOCKET NO. HUD-L-327-21

CIVIL ACTION

SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

TARGET CORPORATION

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf

/s/ Michelle M. Perez

Michelle M. Perez, Clerk
 Superior Court of New Jersey

Dated: January 25, 2021

Name and address of Defendant to be Served:

**Target Corporation
 7101 Tonnelles Avenue
 North Bergen, NJ 07047**

\$175.00 For Chancery Division Cases or \$175.00 for Law Division Cases

HUD-L-000327-21 01/25/2021 11:49:55 AM Pg 1 of 7 Trans ID: LCV2021182620

BRANDON J. BRODERICK, ESQ
ATTORNEY I.D.# 009462006
BRANDON J. BRODERICK, LLC
65 East Route 4, First Floor
River Edge, New Jersey 07661
Attorney for Plaintiff(s)
(201) 853-1505

IRMA QUIRUMBAY,

Plaintiff(s),

v.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:HUDSON COUNTY

DOCKET NO. HUD-L-

Civil Action

TARGET STORE, TARGET
CORPORATION, JOHN DOE 1-10
(fictitiously named), ABC Co.
1-10 (fictitiously named), and
XYZ CORPORATIONS 1-10
(fictitiously named
construction, maintenance,
repair, and/or property
management corporations),

Defendant(s).

COMPLAINT
and
JURY DEMAND

The Plaintiff, Irma Quirumbay, residing at 52 Booraem Avenue
in the City of Jersey City, Hudson County, New Jersey, by way of
Complaint against the Defendants, says:

FIRST COUNT

1. On or about the 3rd day of February 2019, the Plaintiff,
Irma Quirumbay, was lawfully on premises located at or near 7101
Tonnelles Avenue in the Township of North Bergen, Hudson County,
New Jersey.

HUD-L-000327-21 01/25/2021 11:49:55 AM Pg 2 of 7 Trans ID: LCV2021182620

2. At the same time, the Defendants, TARGET STORE, TARGET CORPORATION, John Doe 1-10 (fictitiously named), ABC Co. 1-10 (fictitiously named) and XYZ Corporations 1-10 (fictitiously named construction, maintenance, repair and/or property management corporations) were the owners or were in control and operation of the premises.

3. At the same time, the Defendants, through arrangement, agreement, or acts or omission of agent, servant, employee, were responsible for the construction, remodeling, maintenance, repair, management, supervision or upkeep of the premises.

4. At the same time and place, the Defendants negligently and carelessly allowed a dangerous and hazardous condition to exist on the property or failed to warn of same which caused Plaintiff to sustain injuries.

5. As a direct and proximate cause of the foregoing, Plaintiff was caused to sustain serious and permanent injuries, has suffered great pain, shock and mental anguish and was and still is incapacitated and will be permanently disabled and has in the past and will in the future be caused to expend substantial sums of money for needed treatment.

6. Plaintiff has complied with all conditions precedent to suit.

HUD-L-000327-21 01/25/2021 11:49:55 AM Pg 3 of 7 Trans ID: LCV2021182620

WHEREFORE, Plaintiff, Irma Quirumbay, demands judgment against the Defendants, TARGET STORE, TARGET CORPORATION, John Doe 1-10 (fictitiously named), ABC Co. 1-10 (fictitiously named) and XYZ Corporations 1-10 (fictitiously named construction, maintenance, repair and/or property management corporations), jointly, severally or in the alternative, for damages, together with interest, costs of suit and attorney's fees.

SECOND COUNT

1. Plaintiff repeats and reiterates each and every allegation contained in the First Count of the Complaint as if the same were fully set forth herein at length.

2. Defendants negligently hired, trained, supervised, and/or managed its agents, servants and/or employees, which negligence was a proximate cause of plaintiff's injuries.

3. Defendants, through their agents, servants and/or employees contributed to plaintiff's injuries by failing to provide adequate security, to properly secure the subject premises, and/or to eliminate conditions on the property that encourage criminal or other behavior that could foreseeably lead to bodily injury, and/or failed to warn of same.

HUD-L-000327-21 01/25/2021 11:49:55 AM Pg 4 of 7 Trans ID: LCV2021182620

WHEREFORE, Plaintiff, Irma Quirumbay, demands judgment against the Defendants, TARGET STORE, TARGET CORPORATION, John Doe 1-10 (fictitiously named), ABC Co. 1-10 (fictitiously named) and XYZ Corporations 1-10 (fictitiously named construction, maintenance, repair and/or property management corporations), jointly, severally or in the alternative, for damages, together with interest, costs of suit and attorney's fees.

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Brandon J. Broderick, Esq. as designated trial counsel pursuant to R.4:5-1 (c).

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues herein.

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to Rule 4:17-1 et seq., plaintiff hereby demands that all defendants provide answers to Uniform Interrogatories.

DEMAND FOR PRODUCTION OF DOCUMENTS

Demand is hereby made for the production of all documents referred to in the following Notice to Produce.

HUD-L-000327-21 01/25/2021 11:49:55 AM Pg 5 of 7 Trans ID: LCV2021182620

NOTICE TO PRODUCE

Plaintiff hereby demands that all defendants provide the following documents:

1. Clear and legible copies of any signed or unsigned statements from any eyewitnesses to any aspect of the incident set forth in the Plaintiff's Complaint.
2. Clear and legible copies of all liability expert witness reports that the Defendant intend to rely upon at the time of trial.
3. All photographs of the location of the incident described in the Plaintiff's Complaint.
4. The names and addresses of all proposed witnesses for the Defendants.
5. Any and all videotapes of the incident described in Plaintiff's complaint

TIME-UNIT ARGUMENT

Please take notice that pursuant to Rule 1:7-1, plaintiff reserves the right to use a time-unit argument with reference to unliquidated damages.

HUD-L-000327-21 01/25/2021 11:49:55 AM Pg 6 of 7 Trans ID: LCV2021182620

DEMAND TO PRESERVE EVIDENCE

All defendants are hereby directed and demanded to preserve all physical and electronic information pertaining in any way to plaintiff's employment, to plaintiff's cause of action and/or prayers for relief, to any defenses to same, and pertaining to any party, including, but not limited to, electronic data storage, closed circuit TV footages, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages and any and all online social work or related websites, entries on social networking sites (including, but not limited to, Facebook, Twitter, MySpace, etc.) an any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation, Failure to do so will result in separate claims for spoliation of evidence and/or for appropriate adverse inferences.

HUD-L-000327-21 01/25/2021 11:49:55 AM Pg 7 of 7 Trans ID: LCV2021182620

CERTIFICATION PURSUANT TO RULE 4:5-1

Pursuant to Rule 4:5-1, the undersigned certifies that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated.

BRANDON J. BRODERICK, LLC



Brandon J. Broderick, Esq.
Attorney for Plaintiff

Dated: January 13, 2021

HUD-L-000327-21 01/25/2021 11:49:55 AM Pg 1 of 1 Trans ID: LCV2021182620

Civil Case Information Statement

Case Details: HUDSON | Civil Part Docket# L-000327-21

Case Caption: QUIRUMBAY IRMA VS TARGET STORE

Case Initiation Date: 01/25/2021

Attorney Name: BRANDON JAMES BRODERICK

Firm Name: BRANDON J. BRODERICK, ESQ. LLC

Address: 65 EAST ROUTE 4 1ST FL

RIVER EDGE NJ 07861

Phone: 2018531505

Name of Party: PLAINTIFF : Quirumbay, Irma

Name of Defendant's Primary Insurance Company
(if known): Sedgwick

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: Irma Quirumbay? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

01/25/2021
Dated

/s/ BRANDON JAMES BRODERICK
Signed